

November 30, 2016

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Re: Retail Waste Working Group/Steering Committee

In general, Clean Water Action (CWA) suggests that determinations about proper disposal must be made on a product by product, as well as on a brand by brand basis. Many common products contain endocrine disruptors, carcinogens, or other toxic/hazardous chemicals that can cause harm in the waste stream and environment. However, recent efforts by some manufacturers to respond to market demand for safer, greener products have led to reformulations or innovative new materials that may be benign by design. It is possible, therefore, that some brands within a product category could be disposed of as universal waste while others remain hazardous and must be handled accordingly. In addition, we recognize that incineration carries with it its own environmental problems and favor limiting its use. That said, many products that may be currently incinerated should still be considered hazardous waste and dealt with accordingly. With this background in mind, we make the following recommendations to further the discussion of both the Steering Committee and larger working group:

1. Defining waste: in addition to asking the question about the point of generation, the working group needs to characterize the types of waste being generated, such as pharmaceuticals (over the counter and prescription), medicated personal care products, non-medicated personal care products, other kinds of hazardous waste, etc.
2. Clarify what products retailers suggest can be disposed of in less restrictive ways. Without knowing what products we are considering, we can't have a meaningful conversation. The discussion of OTCs is particularly vague. Medications, which are purposely meant to cause metabolic and other biological or chemical changes are not appropriate in the environment, and CWA is concerned about allowing them to be disposed of as universal waste (though it may be an open question as to whether they need to be incinerated vs. other hazardous waste disposal options). However, if other products are benign in the environment, we are open to considering other options.
3. When considering the safety of wastewater disposal or disposal as municipal solid waste of particular products, we need to consider the *entire* process. Land-filling products can impact water resources in two ways: 1) in unlined landfills, toxic or hazardous materials leach into groundwater and 2) in lined landfills, leachate is siphoned off and put through municipal wastewater treatment. In the end, wastewater treatment cannot, and should not be relied upon as a way to address hazardous waste.
4. To better inform the issue of disposal into wastewater or by landfiling, it would be advisable to include a representative from the POTW community, such as CASA, on the Steering Committee.

5. In addition to asking if testing is required to make hazardous waste determinations, the working group should consider that if such testing is necessary, what the criteria for adequate testing are. Could tools such as Green Screen, which some retailers already employ, be applicable to determining waste disposal options.
6. Delete question 4 under *Classification of discarded consumer products* as the appropriateness of California's aquatic toxicity test for classifying discarded consumer products is covered in question 3. That covers whether the criteria is either too stringent or not stringent enough.
7. Consider a certification process to ensure that reverse distributors meet basic qualifications and standards. One potential process could be that outlined in the Safer Consumer Product regulations for entities doing chemical alternatives assessments.
8. How do we promote reverse distribution without promoting toxic dumping in "dollar stores" or charities?
9. Finally, a serious discussion of how to reduce the generation of waste should be an important part of the working group's focus. Questions to ask include how much control retailers have regarding what they order and end up disposing of and how do we avoid disposing of good products because of superficial changes or marketing issues (such as label changes).

